

IN THE SENATE

SENATE BILL NO. 1300

BY RESOURCES AND ENVIRONMENT COMMITTEE

AN ACT

RELATING TO PARKS AND RECREATION; AMENDING CHAPTER 42, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4218A, IDAHO CODE, TO PROVIDE FOR THE APPOINTMENT OF A DIRECTOR OF THE DEPARTMENT OF PARKS AND RECREATION, TO PROVIDE FOR STAFF AND COMPENSATION AND TO PROVIDE FOR THE TRANSFER OF POWERS AND DUTIES FROM THE PARK AND RECREATION BOARD TO THE DEPARTMENT OF PARKS AND RECREATION; AMENDING SECTION 67-4221, IDAHO CODE, TO PROVIDE FOR THE PARK AND RECREATION ADVISORY BOARD; REPEALING SECTION 67-4222, IDAHO CODE, RELATING TO SPECIFIED POWERS AND DUTIES OF THE PARK AND RECREATION BOARD; AND AMENDING SECTION 67-4223, IDAHO CODE, TO PROVIDE THAT RECOMMENDATIONS OF THE PARK AND RECREATION ADVISORY BOARD SHALL NOT BE BINDING ON THE PARKS AND RECREATION DEPARTMENT AND TO PROVIDE FOR THE POWERS AND DUTIES OF THE DEPARTMENT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 42, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-4218A, Idaho Code, and to read as follows:

67-4218A. DIRECTOR -- DEPARTMENT OF PARKS AND RECREATION. (1) The director of the department of parks and recreation shall be appointed by and serve at the pleasure of the governor. The director shall be appointed upon the basis of executive ability, experience and training in park and recreational matters, and shall perform such duties as are in this act presented.

(2) The director shall authorize the employment of whatever staff it deems necessary for sound and economical administration of the department. The director shall adopt a merit system for all employees of the department. The director shall hire said persons who shall hold their respective positions subject to the rules of the merit system of the department. If a merit system is adopted for state employees, then the employees of the department shall be subject to the rules of such state merit system. The salaries and compensation of all persons employed by the department shall be fixed by the director and as otherwise provided by law.

(3) All powers and duties of the "park and recreation board" or "board" in reference to the park and recreation board, as provided in chapter 42, title 67, Idaho Code, and title 57, Idaho Code, and not otherwise provided for by this act, shall be transferred to the department of parks and recreation and shall be considered the powers and duties of the department of parks and recreation.

SECTION 2. That Section 67-4221, Idaho Code, be, and the same is hereby amended to read as follows:

67-4221. PARK AND RECREATION ADVISORY BOARD -- MEMBERS -- APPOINTMENT
 -- TERMS -- HONORARIUMS AND EXPENSES -- MEETINGS AND QUORUMS -- REMOVAL OF
 MEMBERS. (a) There is hereby created ~~a governing authority of the department~~
~~a park and recreation advisory board~~ to consist of ~~a board of~~ six (6) persons
 to be known as the "park and recreation advisory board." Each member of the
advisory board shall be appointed by the governor of the state of Idaho, with
 the advice and consent of the senate, to serve a term of six (6) years, except
 the terms of the initial appointees shall commence on the date of appointment
 and shall be of staggered lengths so that a term of one (1) member will expire
 annually. Each member of the advisory board shall be a qualified elector
 of the state. One (1) member of the advisory board shall be appointed from
 each of the six (6) districts hereinafter created. Not more than three (3)
 members of the advisory board shall be from any one (1) political party.

(b) For the purposes of this act, the state of Idaho is divided into six
 (6) districts, numbered from one (1) to six (6) as follows:

District No. 1 shall consist of the counties of Boundary, Bonner,
 Kootenai, Benewah and Shoshone.

District No. 2 shall consist of the counties of Latah, Clearwater, Nez
 Perce, Lewis and Idaho.

District No. 3 shall consist of the counties of Adams, Valley,
 Washington, Payette, Gem, Boise, Canyon, Ada, Elmore and Owyhee.

District No. 4 shall consist of the counties of Camas, Blaine, Gooding,
 Lincoln, Jerome, Minidoka, Twin Falls and Cassia.

District No. 5 shall consist of the counties of Bingham, Power,
 Bannock, Caribou, Oneida, Franklin, and Bear Lake.

District No. 6 shall consist of the counties of Lemhi, Custer, Clark,
 Fremont, Butte, Jefferson, Madison, Teton and Bonneville.

(c) The members of the advisory board shall be compensated as provided
 by section 59-509(h), Idaho Code.

(d) Each advisory board member shall be entitled to one (1) vote and
 a majority of the members of the advisory board shall constitute a quorum.
 The advisory board shall hold regular meetings at least once each three (3)
 months and shall hold special meetings at such times as it deems necessary.
 All meetings of the advisory board shall be open to the public. The advisory
board shall keep a record of its proceedings.

(e) A member of the advisory board may be removed for inefficiency,
 neglect of duty, misconduct in office or if he is no longer a resident of the
 district from which he was appointed.

(f) This section shall be exempt from the provisions of section 59-102,
 Idaho Code.

SECTION 3. That Section 67-4222, Idaho Code, be, and the same is hereby
 repealed.

SECTION 4. That Section 67-4223, Idaho Code, be, and the same is hereby
 amended to read as follows:

67-4223. POWERS OF ~~BOARD~~ DEPARTMENT -- PARK AND RECREATION ADVISORY
BOARD RECOMMENDATIONS. ~~The park and recreation board~~ Any recommendations of
the park and recreation advisory board shall be advisory only and shall not
be binding on the department. The department of parks and recreation shall,

1 after consideration of advisory recommendations by the park and recreation
2 advisory board:

3 (1) Adopt, amend or rescind rules as may be necessary for the proper
4 administration of the provisions of sections 67-4218, et seq., Idaho Code,
5 and the use and protection of park and recreational areas subject to its
6 jurisdiction. A violation of any rule promulgated by the ~~board~~ department
7 pursuant to this provision which concerns the use and protection of park and
8 recreation areas is an infraction.

9 (2) Make expenditures for the acquisition, leasing, care, control,
10 supervision, improvement, development, extension and maintenance of
11 all lands under the control of the department and to make arrangements,
12 agreements, contracts or commitments, which may or may not involve
13 expenditures or transfer of funds, with the head of any state institution,
14 department or agency for the improvement or development of lands or
15 properties under the control of the ~~board~~ department, or any other
16 department or agency of the state of Idaho.

17 (3) Appoint advisory, local and regional park and recreational
18 councils, to consider, study and advise in the work of the department for
19 the extension, development, use and maintenance of any areas which are to be
20 considered as future park or recreational sites or which are designated as
21 park recreational areas.

22 (4) Appoint a six (6) member recreational vehicle advisory committee,
23 who shall be compensated as provided in section 59-509(f), Idaho Code, and
24 act in an advisory capacity to the ~~board~~ department on matters relating to
25 the development and improvement of recreational vehicle related facilities
26 and services as provided in subsection (5) of this section. Each member
27 of the advisory committee shall be representative of recreational vehicle
28 users with one (1) from each of the districts described in section 67-4221,
29 Idaho Code. The terms of appointment shall be three (3) years, except that
30 the initial appointees shall commence on the date of appointment and shall
31 be of staggered lengths so that the term of two (2) members will expire
32 annually.

33 (5) Administer the funds derived from the recreational vehicle
34 account established in section 49-448, Idaho Code, to provide financial
35 assistance in the form of grants to public entities for the acquisition,
36 lease, development, improvement, operations and maintenance of facilities
37 and services designed to promote the health, safety and enjoyment of
38 recreational vehicle users. Up to fifteen percent (15%) of the recreational
39 vehicle account generated each year may be used by the department to defray
40 recreational vehicle program administrative costs. Any moneys unused at the
41 end of the fiscal year shall be returned to the state treasurer for deposit
42 in the recreational vehicle account.

43 (6) Cooperate with the United States and its agencies and local
44 governments of the state for the purpose of acquiring, leasing, supervising,
45 improving, developing, extending or maintaining lands which are designated
46 as state parks, state monuments or state recreational areas and to secure
47 agreements or contracts with the United States and its agencies or local
48 governments of the state for the accomplishment of the purposes of sections
49 67-4218, et seq., Idaho Code.

1 (7) Construct, lease or otherwise establish public park or
2 recreational privileges, facilities and conveniences and to operate said
3 recreational services and to make and collect reasonable charges for their
4 use or to enter into contracts for their operation. The ~~board~~ department
5 may discount fees in order to offer use incentives to generate additional
6 revenue for operation of the state park system. The net proceeds derived
7 shall be credited to the park and recreation account established in section
8 67-4225, Idaho Code, and are hereby specifically appropriated to defray
9 the cost of the public park or recreational services. The department is
10 specifically authorized to enter into contracts with the United States and
11 its agencies which require that the state expend any excess of revenue above
12 expenses for improvements of the recreational or park area from which the
13 excess was derived.

14 (a) The ~~board~~ department may provide for waiver of fees to any resident
15 of Idaho who is a disabled veteran and whose disability is rated at one
16 hundred percent (100%) or higher, permanent and total.

17 (b) The ~~board~~ department may provide for a reduction of no more
18 than fifty percent (50%) of the fee charged for recreational vehicle
19 camping, effective Monday night through Thursday night, for any senior
20 citizen who possesses a valid federal "golden age passport" or other
21 equivalent successor, as issued by a federally-operated facility where
22 an entrance fee is charged.

23 (c) If any state recognizes senior citizens by offering a special
24 park pass for use in that state, the ~~board~~ department may provide for
25 a reduction of no more than fifty percent (50%) of the fee charged for
26 recreational vehicle camping, effective Monday night through Thursday
27 night, for any person who possesses such a state park pass.

28 (8) Prepare, maintain and keep up-to-date a comprehensive plan for
29 the provision of the outdoor recreational resources of the state; to
30 develop, operate and maintain or enter into leases or agreements with local
31 governments for the operation and maintenance of outdoor recreational areas
32 and facilities of the state, and to acquire lands, waters and interests in
33 lands and waters for such areas and facilities.

34 (9) Apply to any appropriate agency or officer of the United States
35 for participation by the department or a political subdivision of the
36 state or the receipt of aid from any federal program respecting outdoor
37 recreation. It may enter into contracts and agreements with the United
38 States or any appropriate agency thereof, keep financial and other records
39 relating thereto and furnish to appropriate officials and agencies of the
40 United States reports and information as may be reasonably necessary to
41 enable officials and agencies to perform their duties under such programs.
42 In connection with obtaining the benefits of any program, the ~~park and~~
43 ~~recreation board~~ department shall coordinate its activities with and
44 represent the interests of all agencies and subdivisions of the state
45 having interests in the planning, development and maintenance of outdoor
46 recreational resources and facilities.

47 (10) Obligate the state regarding the responsible management of any
48 federal funds transferred to it for the purpose of any federal enactment and,
49 in accordance with the exercise of this responsibility, the state hereby
50 consents to be sued in any United States district court for the recovery

1 of any federal funds that the responsible federal official, department or
2 agency finds have been misused or disposed of contrary to the agreement with
3 the federal official, department or agency or contrary to the provisions of
4 federal enactment or applicable federal regulations.

5 (11) Cooperate and contract with and receive and expend aid, donations
6 and matching funds from the government of the United States, receive and
7 expend funds from the STORE and to receive and expend donations from other
8 sources to acquire, develop, operate and maintain outdoor recreational
9 areas and facilities of the state and, when authorized or directed by any act
10 of congress or any rule or regulation of any agency of the government of the
11 United States, to expend funds donated or granted to the state of Idaho by the
12 federal government for such purposes.

13 Provided, however, the ~~park and recreation board~~ department shall
14 make no commitment or enter into any agreement pursuant to an exercise
15 of authority under sections 67-4218, et seq., Idaho Code, until it has
16 determined that sufficient funds are available to it for meeting the state's
17 share, if any, of project costs. It is legislative intent that, to the
18 extent as may be necessary to assure the proper operation and maintenance
19 of areas and facilities acquired or developed pursuant to any program
20 participated in by this state under authority of sections 67-4218, et seq.,
21 Idaho Code, such areas and facilities shall be publicly maintained for
22 outdoor recreational purposes. The ~~park and recreation board~~ department
23 may enter into and administer agreements with the United States or any
24 appropriate agency thereof for planning, acquisition and development
25 projects involving participating federal-aid funds or state funds on
26 behalf of any subdivision or subdivisions of this state. Provided, that
27 the subdivision or subdivisions give necessary assurances to the ~~park and~~
28 ~~recreation board~~ department that they have available sufficient funds to
29 meet their shares, if any, of the cost of the project and that the acquired
30 or developed areas will be operated and maintained at the expense of the
31 subdivision or subdivisions for public outdoor recreational use.

32 (12) Establish, develop, supervise and maintain through cooperative
33 agreement, lease, purchase or other arrangement the Idaho recreation trail
34 system, with the advice of the coordinator created in section 67-4233, Idaho
35 Code, and consistent with the goals of recreation, transportation and public
36 access to outdoor areas.

37 (13) Enter into agreements with cities, counties, recreation districts
38 or other political subdivisions of the state to cost-effectively provide
39 recreational facilities, opportunities and services to the citizens of the
40 state.

41 (14) Have the authority to regulate firearm discharges in state parks
42 for the protection of the public. However, this subsection (14) shall not
43 apply to or affect a person discharging a firearm in the lawful defense
44 of person, persons or property or to a person discharging a firearm in
45 the course of lawful hunting. The possession or carrying of firearms is
46 otherwise regulated by chapter 33, title 18, Idaho Code.